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| Committee: | Date: |
| Finance Committee of the Barbican Centre Board Barbican Centre Board <i>Urgent Retrospective Waiver Report (Rule 25 Procurement Code)</i> | 7 March 2018 21 March 2018 |
| Subject: Barbican Art Gallery Agency Staffing – Artisan People | Public |
| Report of: Chamberlain Managing Director, Barbican Centre | For Information |
| Report author: Zoe Jackman, Art Galleries – Barbican Centre Lisa Moore – Chamberlain's | |

Summary

Members are asked to note the grant of retrospective waiver concerning the appointment of *Artisan People*, a specialist agency who focus on gallery invigilation, to supplement the casual gallery staffing team during the final weeks of the Basquiat exhibition.

The move to appoint *Artisan People* was initially taken following the receipt of late notice that the City Corporation's contracted agency for temporary staff, *Hays*, would be unable to sufficient personnel for the Gallery to open on a busy Saturday. Based on this and past experience of using the Corporate Contract with *Hays*, the Barbican was concerned that *Hays* could not deliver the calibre and reliability of staff needed and appointed *Artisan People* to provide temporary staff for the remainder of the exhibition.

The specialist nature of this sort of support is expected to be required going forward and the Barbican will therefore work with the Corporate Contract and City Procurement to see if this can be resolved before the next exhibition.

Recommendation(s)

The Board is asked to note the award of the contract for Agency Staffing to Artisan People for a value of £120,000 from 01/10/2017 to 01/02/2018.

Main Report

Background

1. *Basquiat* proved to be a blockbuster exhibition, with the level of interest in this exhibition surpassing the Gallery Team's expectations and plans. This resulted in extending the opening hours of the gallery.
2. The exhibition contains a large number of extremely high value artworks who came from several private lenders, which had additional security and insurance implications. Reputational and financial risk should something go wrong was potentially extremely high.

3. All of this resulted in a huge strain on the Gallery team, who must have a certain number of staff on site in order to open the gallery to the public. The Gallery was unable to fulfil these requirements from its own pool of casual staff and therefore needed to supplement existing gallery staffing with agency staff. It is imperative for the Gallery that there be a reliable source of temporary workers and they are able to employ them at short notice if needed, so that Gallery opening hours and potential revenue are not impacted.
4. The City of London Corporation's contracted agency, *Hays*, was initially approached; however, they failed to supply personnel on time and in sufficient numbers, or that were suitable for the role required. This culminated in the Gallery receiving notice late on a Friday afternoon that *Hays* would be unable to supply staff for the following day.
5. This would have meant the Gallery would have been unable to open on the busiest day on the week. To avoid the associated loss of income and reputational risk, the Barbican had to find an alternative supplier who were able to supply appropriately trained staff at short notice.
6. *Artisan People* were one company it was known would be able to deliver, and indeed supplied staff who were briefed, on time, and understood the particular needs of Gallery invigilation, as they are a company which specialises in supplying gallery and museum staff.
7. Having procured *Artisan's* support urgently, the front of house gallery (FOH) team continued to be stretched due to the popularity of Basquiat, and advised that they did not have the capacity to cancel *Artisan* and re-do the rota, and train up new *Hays* staff. They were therefore appointed by the Barbican for the remainder of the exhibition.
8. *Artisan* had already created a pool of staff who are used only on Basquiat, and our FOH team had invested considerable time in briefing and training them for this project. They were familiar with our security, fire safety and customer service procedures, as well as being briefed on the show.
9. The Barbican did not believe that *Hays* would be able to fill the rota with appropriate staff at short notice and, based on their service to date, believed it would be unadvisable to rely on them.
10. *Artisan* were felt to be reliable, appropriately aware and provide an excellent service to the Gallery, which would not have been able to open without their staffing support. The Basquiat exhibition was set to be the Barbican's most successful exhibition ever, and it was imperative that we are able to open with the appropriate number of staff for the safety and security of the public and the high value artworks on display.
11. The hourly rate agreed was comparable with that of the rate quoted by *Hays* when asked to supply staffing to the gallery, a difference of 1p per hour.

Issue and Retrospective Waiver

12. Having already appointed *Artisan*, the Barbican approached City Procurement who advised that they should have used the *Hays* contract for their requirement. Their position was that no issues with this contract had been escalated to City Procurement for review, nor advice sought as to what options there were in respect of going outside the existing corporate arrangements.
13. However, as the waiver sought was retrospective, there was no option to but to agree so that payments could be made to the supplier.
14. Going forward, if *Hays* cannot provide staff then Procurement have advised that the Barbican should raise performance issue with *Hays* to Corporate Human Resources to see if they can be resolved and, if not, seek agreement to go outside the contract.
15. If it is agreed that the most appropriate course of action is to go outside the corporate contract, rule 15 of the procurement code should be followed and a tender process completed via procurement platform *capitalEsourcing*.
16. If requirements are urgent, they must only be put in place for the period of time it would take to take appropriate steps to put a compliant contract in place.
17. It has also been suggested that the Barbican recruit more casual invigilators into the Barbican Art Gallery pool to lessen the general reliance on agency staffing.

Procurement Strategy

18. The procurement of the interim was via direct award. No extension or replacement of this interim contract was considered. Should an extension have been required, a competitive process would have to have been undertaken to ascertain best value was being achieved.

Summary of Issue

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| Name of supplier | Artisan People |
| Length of contract: | 4 months |
| Contract start date: | 01.10.2017 |
| Contract end date: | 01.02.2018 |
| Total Contract Value: | £120,000 |
| Annual Contract Value: | £120,000 |
| Estimated Total Savings: | £0 |
| Estimated Annual Savings: | £0 |

Responsible Procurement Implications

20. It has been confirmed that these casual workers were paid the London Living Wage.

Comments Received

21. Below are the comments submitted at the time in respect of the waiver submission from the various departments involved.

| Department | Comments |
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| City Procurement | This is a retrospective requirement and due to money being owed to the supplier we have no choice but to support the waiver. |
| Comptroller & City Solicitor's | These arrangements are acceptable given the lack of alternatives. |
| Financial Services Division (Barbican) | <p>This was needed to deliver the additional £1m in box office that Basquiat is forecast to deliver.</p> <p>A contract to ensure the Barbican is Procurement compliant is needed going forward.</p> |
| Departmental Chief Officer | An absolutely essential response to a late situation in that the exhibition was far more successful than anticipated. |

Conclusion

22. The Basquiat exhibition was unprecedented in terms of visitor numbers and the high value of works on display. Therefore it was felt vital that the Barbican was able to ensure sufficient staffing to allow for the Gallery to be open and safe for the public, as well as to guarantee the security of the works on display.
23. Members are asked to note the award of the contract for Agency Staffing to *Artisan People* for a value of £120,000.00 from 01/10/2017 to 01/02/2018. The Barbican will work with City Procurement to establish an arrangement that will be compliant for the next exhibition.

Appendices

- None

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